



SPECIAL LAND USE PERMIT APPLICATION ANALYSIS

ZONING CASE #: **Z2014-19** **LEGISTAR #: 20140960**

PROPERTY OWNER: **City of Marietta**
 205 Lawrence Street
 Marietta, GA 30060

APPLICANT: **Roger Davis**
 Red Hare Brewery
 1998 Delk Industrial Blvd.
 Marietta, GA 30067

PROPERTY ADDRESS: **994 & 1010 Roswell Street**

PARCEL DESCRIPTION: **Land Lot 12370, District 16, Parcels 0330 and 0170**

AREA: **1.70 acs.** **COUNCIL WARD: 7A**

EXISTING ZONING: **CRC (Community Retail Commercial)**

REQUEST: **CRC (Community Retail Commercial)**

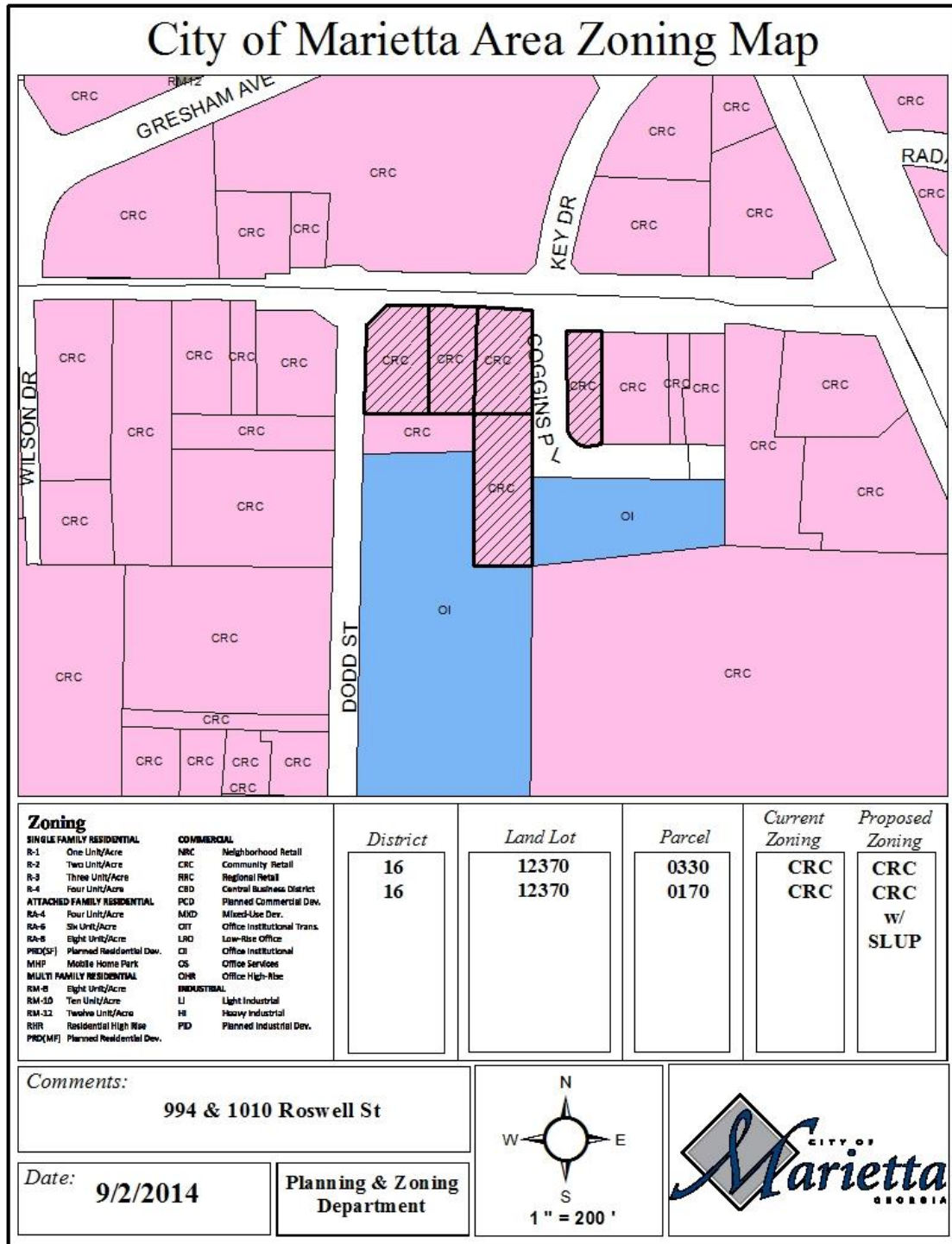
FUTURE LAND USE
RECOMMENDATION: **CAC (Community Activity Center)**

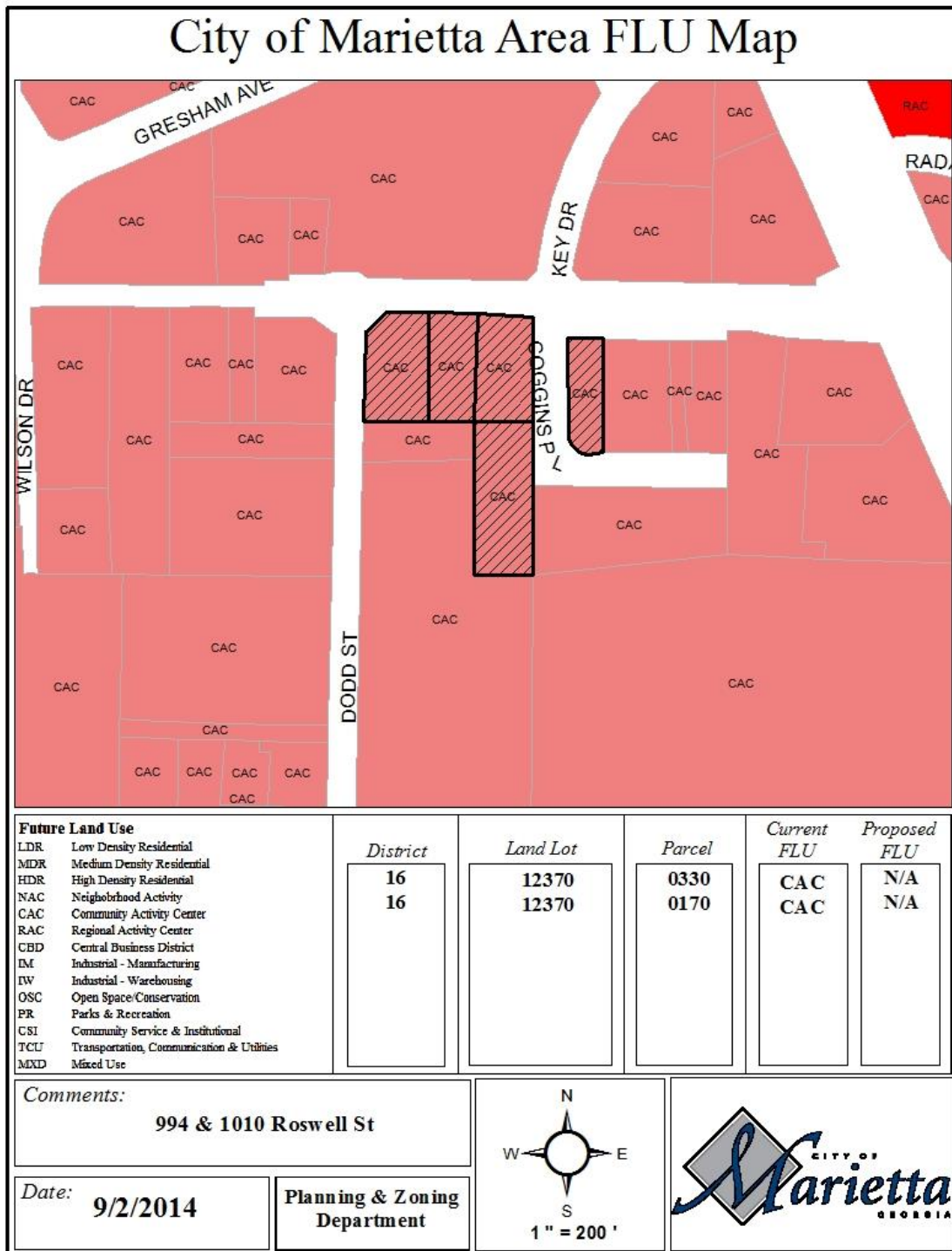
REASON FOR REQUEST: **The applicant is requesting a Special Land Use Permit, with variances, in order to construct a brewery containing over 15,000 square feet of production space.**

PLANNING COMMISSION HEARING: **Wednesday, October 1, 2014 – 6:00 p.m.**

CITY COUNCIL HEARING: **Wednesday, October 8, 2014 – 7:00 p.m.**

MAP





PICTURES OF PROPERTY



994 Roswell Street – Roswell Street frontage (looking west)



994 Roswell Street – Roswell Street frontage (looking east)



994 Roswell Street – Coggins Street frontage



994 Roswell Street – Dodd Street frontage



1010 Roswell Street – Roswell Street frontage



1010 Roswell Street – Coggins Street frontage

STAFF ANALYSIS

Location Compatibility

Roger Davis of Red Hare Brewery is requesting a Special Land Use Permit (SLUP) in order to construct a new brewery facility at 994 and 1010 Roswell Street. Mr. Davis has recently placed these two properties under contract for purchase, both zoned CRC (Community Retail Commercial), from the City. His current facility, located on Delk Industrial Drive, is not large enough by itself or optimally located in order to accommodate his growing business. The main parcel, 994 Roswell Street, is 1.449 acres in size and is located at the corner of Dodd Street, Roswell Street, and Coggins Place. The smaller parcel, 1010 Roswell Street, is located at the southeastern corner of Roswell Street and Coggins Place. Coggins Place currently straddles the two properties. Structures previously occupying both parcels have been demolished or removed.

Properties immediately adjacent to the subject properties include office buildings, a restaurant, and a school bus parking/maintenance facility. Across Roswell Street to the north is the Mansour Center/Center for Family Resources. This section of Roswell Street is covered by the Commercial Corridor Design Overlay (Tier A).

Use Potential and Impacts

Although the operation of breweries is allowed within the CRC zoning district, breweries that contain more than 15,000 square feet of production space must also obtain a SLUP from City Council. This regulation was designed to minimize the potential negative impacts that a large scale production operation may have on the surrounding area. In this case, the surrounding area is high intensity commercial, due to the intersection of two heavily traveled roadways (Roswell Road and Cobb Parkway). Georgia Department of Transportation is also beginning the construction of the Northwest Corridor Project nearby, which will result in managed lanes access to I-75 from Roswell Road. It is unlikely that any surrounding properties would be negatively impacted by the construction of this facility. Although there are very few residences located nearby, the Commercial Corridor Design Overlay does encourage the mixing of uses, which could result in more residences as the corridor develops.

This location is appropriately suited for the proposed use, as it has good proximity to the region's transportation network (for product distribution) and is close enough to piggyback on the tourism of the Marietta Square (for event purposes). This site is also more prominent than the facility's existing location.

The City's Comprehensive Plan has designated the Future Land Use (FLU) of these two parcels as CAC (Community Activity Center), which is intended to serve "*the retail and service needs of several neighborhoods and communities*" and be located near the intersection of two arterials. The CRC zoning district is a compatible zoning for properties with a FLU of CAC. As a result, this request is in line with the recommendations set forth in



the City's Comprehensive Plan.

Environmental Impacts

These properties do not appear to contain any floodplain, streams, wetlands, significant slopes, or endangered species. However, the development of the main parcel will increase the amount of impervious surfaces, which increases the amount of stormwater runoff discharged into the city stormwater system. The applicant is requesting the following variance:

- Variance to allow the impervious surface coverage to exceed 80%. §708.16 (H.)

Economic Functionality

Both properties are currently vacant due to the acquisition of the parcels by the City for the Roswell Streetscapes project. Previously these properties contained buildings with various commercial uses (restaurant, retail, auto sales, etc). Because of its size and location along a highly traveled corridor, the main parcel (994 Roswell Street) is functional as zoned.

The smaller parcel (1010 Roswell Street), however, does not meet the minimum lot size for CRC. In order to develop this property, it would have to be combined with adjacent, similarly zoned property or many variances granted for its development. Although the submitted site plan shows a proposed parking lot, the applicant has stated that there is no intent to use or develop 1010 Roswell Street at this time so no variances have been included for its use. It should be noted, the applicant is working with the City to also acquire part of the Coggins Place Right of Way. In fact, there is an application being considered to zone that property. Should the City sell that land to the applicant there may be changes to 1010 Roswell St. and because of this and other reasons, there may be requested variances on this parcel in the future. At this time, the only consideration for this parcel is for the special land use approval of it in conjunction with 994 Roswell St.

Infrastructure

The redevelopment of these parcels will place additional demand on public infrastructure. However, because of its location within a highly developed corridor, much of the affected infrastructure, such as water, sewer, fire services, etc., is already in place. The development of these lots should not adversely impact the ability of the City to continue providing quality infrastructure services.

The unique shape of the site and proposed location of the loading docks will require distribution trucks to back into the site. Per Section 716.10, trucks may not maneuver in the

right-of-way unless located in the Central Business District. As a result, the following variance would be necessary to implement the design shown on the submitted plan:

- Variance to allow off-street loading designed to require vehicle/truck maneuvering in the public right-of-way. §716.10

History of Property

There is no history of any rezonings, Special Land Use Permits, or significant variances for this property.

Commercial Corridor Design Overlay – Tier A

Because the property is located in the Commercial Corridor Design Overlay (Tier A), an additional layer of regulations for streetscape, building, and site design apply. The additional land use regulations would not be applicable to the site because it is not proposed for mixed use; the underlying zoning district regulations (CRC) would apply. Due to the size and unique layout of the site, paired with the size of the facility proposed, the applicant will need multiple variances from both the Overlay District regulations as well as from the Tree Ordinance.

- Variance to waive the 16' maximum setback for the Dodd Street frontage. §712.09 (F.)(2.)(b.)(i.)
- Variance to allow metal siding on a portion of the building facing Coggins Place. §708.16 (G.)(3.)
- Variance to reduce the 10 foot planted strip/border area as shown on the submitted site plan. §712.08 (G.)(2.)(a.); §712.09 (F.)(2.)(b.)(viii.)
- Variance to reduce the 10' landscaped buffer between the parking facility and the adjacent parcel. §712.09 (F.)(2.)(b.)(iv.)
- Variance to reduce the 8 foot wide landscape zone between the sidewalk and the building face to 6 feet along Coggins Place. §712.09 (F.)(4.)(a.)(ii.)

The City has already improved the road frontage along Roswell Street with a brick sidewalk, light poles, a decorative trash bin, and street trees. As a result, the applicant is requesting the following variance since they have already been provided:

- Variance to allow existing city-planted trees along Roswell Street count as required street trees. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)
- Variance to waive the installation of pedestrian lighting fixtures in the landscape/pedestrian zone. §712.09 (F.)(4.)(a.)(ii.)(9.)

It is worth nothing that the city-planted street trees would have to be protected during construction. It may also be useful to have the applicant take over the ongoing maintenance of the planted sections immediately adjacent to his properties.

The applicant is not yet sure about the development of 1010 Roswell Street and Coggins Place. As a result, he has requested the following variances:

- Variance to waive the 6' brick sidewalk and 2' grass strip along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(i.)
- Variance to waive the required street trees along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)

There are many items listed in the Overlay, (screening of transformers, tree sizes, locations, species, coordination with utilities, additional furniture items in landscape zone, etc.) and the Zoning Code in general, that cannot be assessed based on the level of detail provided on the submitted plan. These items will be verified during site plan review.

Special Land Use Permits – Evaluation Criteria

The following are considerations in determining whether a Special Land Use Permit for a particular use is appropriate for a particular site:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

Other Issues

The applicant intends on having a sign painted on the wall parallel and facing Roswell Street that will exceed the size limitation established under Section 714.04 (B.). As a result, the following variance is being requested:

- Variance to increase the allowable wall signage from 15% to 25% for the front façade. §714.04 (B.)

ANALYSIS & CONCLUSION

Roger Davis of Red Hare Brewery is requesting variances and a Special Land Use Permit for a brewery with a production area of over 15,000 square feet for the properties at 994 and 1010 Roswell Street. Both properties are zoned CRC and are surrounded by other commercial-type uses.

It is unlikely that any surrounding properties would be negatively impacted by the construction of this facility. Although there are very few residences located nearby, the Commercial Corridor Design Overlay does encourage the mixing of uses, which could result in more residences as the corridor develops. This location is appropriately suited for the proposed use, as it has good proximity to the region's transportation network (for product distribution) and is close enough to piggyback on the tourism of the Marietta Square (for event purposes).

The following are variances that would be necessary in order to implement the construction of the proposed building as shown on the submitted plans. These variances would apply to the parcel at 994 Roswell Street only, as the development of 1010 Roswell Street is not being considered at this time. Variances pertaining to that site will be addressed at a later time, if necessary.

1. Variance to allow the impervious surface coverage exceed 80%. §708.16 (H.)
2. Variance to allow off-street loading designed to require vehicle/truck maneuvering in the public right-of-way. §716.10
3. Variance to waive the 16' maximum setback for the Dodd Street frontage. §712.09 (F.)(2.)(b.)(i.)
4. Variance to allow metal siding on a portion of the building facing Coggins Place. §708.16 (G.)(3.)
5. Variance to reduce the 10 foot planted strip/border area as shown on the submitted site plan. §712.08 (G.)(2.)(a.); §712.09 (F.)(2.)(b.)(viii.)
6. Variance to reduce the 10' landscaped buffer between the parking facility and the adjacent parcel. §712.09 (F.)(2.)(b.)(iv.)
7. Variance to reduce the 8 foot wide landscape zone between the sidewalk and the building face to 6 feet along Coggins Place. §712.09 (F.)(4.)(a.)(ii.)
8. Variance to allow existing city-planted trees along Roswell Street count as required street trees. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)
9. Variance to waive the installation of pedestrian lighting fixtures in the landscape/pedestrian zone. §712.09 (F.)(4.)(a.)(ii.)(9.)
10. Variance to waive the 6' brick sidewalk and 2' grass strip along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(i.)
11. Variance to waive the required street trees along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)
12. Variance to increase the allowable wall signage from 15% to 25% for the front façade. §714.04 (B.)



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

The CRC zoning district is a compatible zoning for properties with a FLU of CAC. As a result, this request is in line with the recommendations set forth in the City's Comprehensive Plan.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	8 inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8 inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak
Treatment Plant Name?	Not provided
	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	NO
What percentage of the property is in the flood plain?	---
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are the storm water issues related to the application?	YES – see below
Potential presence of endangered species in the area?	NO

TRANSPORTATION -

What is the road effected by the proposed change?	Roswell Street Coggins Place
What is the classification of the road?	Roswell Street: Arterial Coggins Place: Local
What is the traffic count for the road?	---
Estimated # of cars generated by the proposed development?	---
Estimated # of trips generated by the proposed development?	---
Do sidewalks exist in the area?	
Transportation improvements in the area?	NO – completed streetscapes
If yes, what are they?	---

- Site Plans will be required for construction. Site Plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property, roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain. It is noted that it is likely that an easement through the adjacent Coggins Place property will be needed to outfall from a detention facility to the drainageway north of Sam's Club.
- Adequate space to the entire loading zone at the rear of building off Coggins Place will necessitate widening the driveway entrance to the rear parking lot. Since the driveway entrance will be over 30' wide per Ordinance, a Variance will be required.
- A Quit Claim Deed is required to decrease the Coggins Place right of way if approved by Council.
- 5' Brick Sidewalk per City specifications with 2' aesthetic strip along Dodd Street and Coggins Place (along frontage), and Handicap Ramps are required. Stop Signs and handicap ramps to be provided at all crosswalks. Both new brick sidewalks must tie into existing City Streetscape along Roswell Street.
- The access points to the parking lots (both off Dodd Street and Coggins Place) are to have minimum radius of 25'. Design of access points shall allow a SU-30 vehicle (AASHTO standards) to enter the site from both sides of ingress. The turning radii, as shown, are too tight. The Fire Department should be consulted.
- The northern access to the eastern parking lot (across Coggins Place) must be at least 40' from the Roswell Street R.O.W. Adjust the drive entrance southward, and you may add parking spaces to the north of the drive access. (maximum 12 spaces without tree island)
- Building Permits are required.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development? 52

Distance of the nearest station? .25 miles

Most likely station for 1st response? 52

Service burdens at the nearest city fire station (under, at, or above capacity)? n/a

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: